



MONTGOMERY McCRAKEN

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February 15, 2023

Via ECF

Honorable Paul A. Engelmayer
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *In re: One Apus Container Ship Incident on November 30, 2020*
1:22-md-03028-PAE (lead case)

Dear Judge Engelmayer,

We are attorneys for Chidori Ship Holding LLC and Jessica Ship Holding SA, making restricted appearances as owners and bareboat charterers, respectively, of the M/V ONE APUS. We write jointly on behalf of all Interests - Vessel, Cargo, and NVOCCs – to provide a status report pursuant to Order No. 4 (ECF Doc. 346).

Settlement discussions

Liaison Counsel for Vessel Interests and the Cargo Plaintiffs' Steering Committee have corresponded and met again on February 14, 2023. The parties continue to discuss potential settlement levels, vessel defenses, and other considerations. Vessel Interests have been represented in the settlement discussions to date by counsel for Chidori Ship Holding and Jessica Ship Holding, who are the vessel owner and the bareboat charterer. Cargo Interests assert that, to have a more productive discussion of Vessel Interests' defenses and of a practical way to establish a global settlement framework, counsel for the ocean carriers should participate directly in the settlement discussions. As such, Cargo Interests have requested that the vessel operating common carriers participate in future settlement discussions.

Proposals on funding among the Vessel Interests remain ongoing. There have been exchanges amongst the Vessel Interests as to how funding could be accomplished. Vessel Interests are also following up with NVOCCs on potential contributions.

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Exchange of information in support of settlement discussions

To assist in understanding the various cargo claims and defenses, the NVOCC Interests have provided dozens of sets of bill of lading terms and conditions to the Vessel Interests. As requested, NVOCC Interests have also provided preliminary views on potential FRCP Rule 12 motions.

Vessel Interests did provide a more detailed explanation of the vessel defenses with corresponding documents to Cargo Interests. This submission was discussed during the recent meeting between Vessel and Cargo Interests and will continue to be discussed as the parties move forward.

Certain recently joined cargo interests have provided additional claim documents for hundreds of lost or damaged containers.

In short, a substantial amount of additional information was exchanged between the parties to assist the settlement process.

We thank Your Honor for your consideration. If there are any questions or concerns, please do not hesitate to contact the undersigned.

Respectfully submitted,

**MONTGOMERY MCCRACKEN
WALKER & RHOADS, LLP**

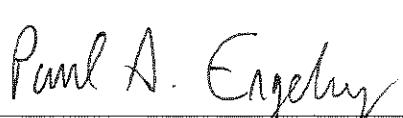
/s/ Timothy Semenoro

Timothy Semenoro
Robert E. O'Connor

and

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Alan Nakazawa
James I. H. Brooks



PAUL A. ENGELMAYER
United States District Judge
February 16, 2023

*Attorneys for Defendants
M/V ONE APUS,
Chidori Ship Holding LLC, and
Jessica Ship Holding SA*

CC by ECF to all counsel of record